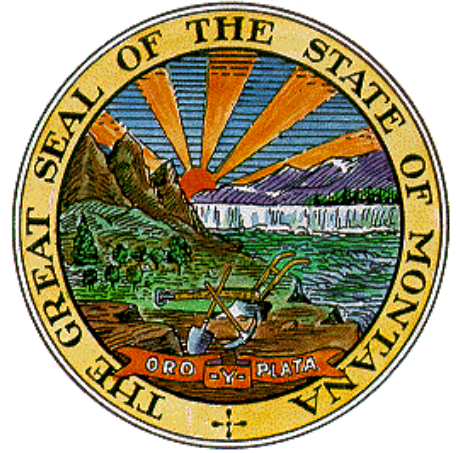


# **MONTANA PLAN FOR MONITORING COMPLIANCE WITH:**



- **THE FEDERAL JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 2002, AS REAUTHORIZED, AND**
- **THE MT YOUTH COURT ACT OF 2005**

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## Introduction

*To access Title II Formula Grant Funds available to states under the Federal Juvenile Justice and Delinquency Prevention Act of 2002 as Reauthorized (JJDP Act), states must develop a plan to implement and maintain compliance with the core requirements of the JJDP Act. The plan must describe:*

- 1. Barriers, if any, faced in implementing and maintaining compliance with the core requirements and the state and local strategies to overcome such barriers. (Reference Section 100)*
- 2. The legislative and/or administrative authority that have been established for the state to receive, investigate, and respond to reports of compliance violations. (Reference Section 200)*
- 3. Detailed procedures for performing monitoring tasks that include identification of the agency responsible for each task. (Reference Section 300)*

*The four core requirements of the JJDP Act are:*

- Deinstitutionalization of status and non-offenders,
- No contact between adult and youth offenders in institutions,
- Removal of juveniles from adult jails and lockups and
- Reduction of disproportionate minority contact with the juvenile justice system

The purpose of this publication is to document Montana's plan to implement and maintain compliance with the core requirements of the JJDP Act.

If you have questions about this publication, please call:  
Juvenile Justice Planner (406)444-2632  
TTY for the hearing impaired call (406) 444-7099

## **Section 100: Identification of Compliance Barriers**

<b>Date Issued:</b>	October 2003
<b>Review Date:</b>	Biennially thereafter
<b>Last Review:</b>	December 2005
<b>Related Federal Law:</b>	JJDP Act Section 223(a) 14
<b>Related CFR:</b>	OJJDP Formula Grants Consolidated Regulation, 28 CFR Part 31
<b>Related Federal Guidance:</b>	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5
<b>Related MCA:</b>	Title 41, Chapter 5, Part 19 MT Youth Court Act

### **Statement of Purpose:**

To insure that barriers faced in maintaining compliance with the core requirements of the JJDP Act are identified and state and local strategies developed to overcome them.

### **Policy:**

In order to identify and address potential barriers to compliance, MBCC as the designated Statewide Planning Agency (SPA) per the JJDP Act, will monitor:

1. Expiration of the Executive Order that created the Youth Justice Advisory Council (YJAC);
2. New state legislation that proposes to make the MT Youth Court Act less restrictive than the federal JJDP Act;
3. New federal legislation that proposes to make the JJPD Act more restrictive than the MT Youth Court Act;
4. Local facilities, found in violation of the JJDP Act, for appropriate response to training and technical assistance provided to prevent further violations;
5. Staff implementation of the monitoring work plan to ensure that facilities are monitored and allegations of violations of the JJDP Act are investigated; and
6. Changes to resources allocated to the monitoring system that could have a negative impact on its effectiveness.

### **Procedures:**

The Executive Director of the Montana Board of Crime Control (MBCC) will:

1. Biennially, in May of odd numbered years, advocate for the renewal of the Executive Order by the Governor that continues the YJAC.
2. Monitor, list and track bills, both state and federal, introduced during regular and special legislative sessions that could impact the State's compliance with the JJDP Act.
3. Assign staff as needed to provide informational testimony at federal and state legislative hearings for identified bills as to the nature of the potential impact on State compliance with the JJDP Act.

4. Provide the JJ Specialist and JJ Planner with:
  - a. Copies of introduced bills that threaten the State's compliance with the JJDP Act as they are identified.
  - b. Schedules of federal and state legislative hearings on identified bills.
  - c. Copies of updated Executive Order renewing YJAC.
  - d. Copies of compliance letters as they are received from OJJDP;
  - e. Copies of potential changes in resources that impact monitoring, data collection, and reporting of compliance with the JJDP Act as changes are identified;
5. Supervise JJ Planner's development of written recommendations for state and local strategies to overcome identified barriers.

The Juvenile Justice Specialist will:

1. Work with the Juvenile Justice Planner to develop written recommendations for state and local strategies to overcome identified barriers.
2. Work with the YJAC Chair to provide time on the agenda during regular quarterly Council meetings to provide written or oral updates on compliance monitoring or to call special Council meetings as necessary to provide written and oral updates to the Council on identified barriers to address them.

The Juvenile Justice Planner will:

1. Report to the Executive Director, any facility that has more than a few unavoidable violations that have not been resolved by the provision of training and technical assistance.
2. Work with the Executive Director and Juvenile Justice Specialist to develop written recommendations to be submitted to the YJAC for consideration for state and local strategies to overcome barriers as they are identified. Written plans may include, but are not limited to the following activities:
  - A. Regional training workshops for those agencies involved in monitoring or implementation of the JJDP Act;
  - B. Administrative meetings with those agencies involved in monitoring or implementation of the JJDP and Youth Court Acts;
  - C. Enforcement of the JJDP Act where it is more restrictive than the Youth Court Act while the SAG pursues state legislation that is as or more restrictive than the JJDP Act;
  - D. Local coordination, i.e., intensive problem solving and planning for agencies requiring assistance to realize compliance with the more restrictive of the JJDP and Youth Court Acts.
3. Provide written or oral updates to the YJAC on compliance issues during regular quarterly or special YJAC meetings, as necessary.

## **Section 200: Ensurance of Legislative and Administrative Authority**

**Date Issued:** October 2003  
**Review Date:** Biennially thereafter  
**Last Review:** December 2005  
**Federal Law:** JJDP Act Section 223(a) 14  
**Federal Regulation:** OJJDP Formula Grants Consolidated Regulation, 28 CFR Part 31

**Federal Guidance:** Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5

### **Statement of Purpose:**

To ensure MBCC's legal authority is sufficiently broad to require onsite inspection of each facility that could be classified as a secure detention or correctional facility for purposes of:

1. Facility classification;
2. Verification of reported data to facility records;
3. Review of processes and areas used to process and hold youth in custody, pending release to parents/guardian or transfer to another facility.
4. Enforce sanctions when violations are not corrected.

### **State Statutes:**

MCA 41-5-103(23) provides MBCC the authority to approve holdover facilities.

MCA 41-5 1903 provides MBCC the authority to monitor compliance with the Youth Court Act and, after notice and a fair hearing, deny detention grant funding to counties not in substantial compliance.

MCA 41-5-1907 & 1908 provide MBCC the authority to administer Title II Formula grant funds in compliance with the requirements of the JJDP Act of 2002 as Reauthorized and make rules to carry out those responsibilities.

### **Policy:**

Effective monitoring and enforcement can only be fully implemented when the agency's legal responsibility is defined in clear terms and is known to all parties.

MBCC will provide designated monitors with a written document that identifies the monitor as a representative of MBCC and as such:

1. Should be permitted to review records containing detention information;
2. Will respect the confidential nature of any information obtained during the course of the monitoring visit; including the physical plant, facility policies and procedures; and

3. Will not knowingly record or divulge information, which might identify a specific child except as may be required to protect the child.

**Procedures:**

1. Monitors will make available during all on-site inspections a written statement from MBCC that defines in clear and understandable terms the basis of their monitoring authority.
2. Monitors report directly to the Juvenile Justice Planner and MBCC retains accountability for the overall performance of the monitoring tasks.



## **Section 300: Description of Monitoring Tasks and Responsibilities**

<b>Date Issued:</b>	October 2003
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<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Regulation, 28 CFR Part 31

### **Statement of Purpose:**

To describe the monitoring tasks and identify responsibilities.

### **Policy:**

Annually, in February MBCC's Executive Director, with the Juvenile Justice Planner, Juvenile Justice Specialist, Chief Financial Officer and designated monitors, will review the monitoring tasks as outlined in this policy to develop a Compliance Monitoring Work Plan for the upcoming state fiscal year for inclusion in the Title II application to OJJDP due March 31<sup>st</sup>.

### **Procedures:**

1. The MBCC Juvenile Justice Planner will:
  - A. Annually in February, review the monitoring tasks as outlined in this policy with the designated compliance monitors and prepare, using a logic model, a Compliance Monitoring Work Plan to submit to the MBCC Executive Director and JJ Specialist for input and review.
  - B. Coordinate the activities of the designated MBCC staff and supervise monitoring services contract(s) to accomplish the monitoring tasks. The monitoring tasks, at a minimum, will include:
    - a. Set forth monitoring system definitions – Reference Section 400
    - b. Identify the Universe of Facilities & Monitoring Universe – Reference Section 401
    - c. Classify the Monitoring Universe - Reference Section 402
    - d. Establish Monitoring Standards – Reference Section 403
    - e. Collect and Verify data – Reference Section 404
    - f. Onsite Inspection of Monitoring Universe and Records– Reference Section 405
    - g. Investigate Violations – Reference Section 406.
    - h. Report to OJJDP – Reference Section 407
    - i. Train – Reference Section 408
    - j. Maintain Monitoring Plan – Reference Section 409

## Section 400: Definitions

<b>Date Issued:</b>	October 2003
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<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act Section 223(a) 14
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Regulation, 28 CFR Part 31
<b>Federal Guidance:</b>	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5

### Statement of Purpose:

To operate under definitions that are compatible with those found in the JJDP Act and Formula Grant Regulations.

### Policy:

MBCC will adopt and follow OJJDP definitions for monitoring. The United States Code (U. S. C) or the Federal Register, 28 *CFR Part 31 §31.303*, provides the definitions under the JJDP ACT. Regulations have not been formally revised for the changes to the Act in 2002. Until they are, existing regulation, OJJDP Guidance Manual definitions<sup>1</sup>, and recommendations by OJJDP staff will be used.

### Procedures:

- I. The definitions from the Formula Grant Regulations, the JJDP Act, and the OJJDP Guidance Manual will take precedence over state definitions and will be used for monitoring purposes.
- II. When identifying and classifying the following definitions will be used, located in the respective section of the Formula Grant regulations (28 CFR) or the *OJJDP Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended – September 2003* Related Youth Court Act Definitions, if any, are referenced in blue.
  - *Adjudicated youth*<sup>2</sup>. A youth that has been found under formal proceedings by a judge to have committed an offense. [MCA 41-5-103\(11\) Delinquent youth](#)
  - *Adult jail*. A locked facility, administered by State, county or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as

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<sup>1</sup> All federal references, including the Guidance Manual are located on OJJDP's web page at: <http://www.ojjdp.ncjrs.org/compliance/>

<sup>2</sup> A youth committed to the Department of Corrections, released on parole and subsequently picked up and held for violation of a parole (aftercare) agreement or escape under MCA 52-5-128 is considered an adjudicated youth and may not be securely held in an adult jail, lockup, or unapproved collocated facility for any length of time.

adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year (28 CFR 31.304(m)). [MCA 41-5-103\(23\) Jail](#)

- *Adult Lockup.* Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged (28CFR 31.304(n)). [MCA 41-5-103\(23\) Jail](#)
- *Civil-type offender.* A juvenile offender who has been charged with or adjudicated for an offense *that* is civil in nature. Examples include non-criminal traffic<sup>3</sup> violations and non-criminal fish and game violations (page 53, *OJJDP Guidance Manual*). [MCA 41-5-103\(50\) Youth in need of intervention](#)
- *Collocated facility.* A collocated *facility* is a juvenile facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered “related” when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water and sewer) (28 CFR 31.303(e)(3)(i)(A)). Each of the following four criteria must be met in order to ensure the requisite separateness of a juvenile detention facility that is collocated with an adult jail or lockup:
  1. The facility must ensure separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time phasing of common use nonresidential areas; and
  2. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common use non-residential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and
  3. The facility must have separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (e.g., medical care, food service, laundry, maintenance, and engineering) who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juveniles and adults can serve both populations (subject to State standards or licensing requirements). The day-to-day management,

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<sup>3</sup> In Montana, all youth taken into custody are under the jurisdiction of the Youth District Court, however, District Court does not have concurrent jurisdiction for traffic offenses, even if they are criminal. Therefore, secure detention of youth for a traffic offense of any kind is a violation of the Youth Court Act.

security, and direct care functions of the juvenile detention center must be vested in a totally separate staff, dedicated solely to the juvenile population within the colocated facilities; and

4. In States that have established standards or licensing requirements for juvenile detention facilities, the juvenile facility must meet the standards on the same basis as a freestanding juvenile detention center, and be licensed as appropriate. If there are no State standards or licensing requirements, OJJDP encourages States to establish administrative requirements that authorize the State to review the facility's physical plant, staffing patterns, and programs in order to approve the colocated facility based on prevailing national juvenile detention standards.

The State must determine that the four criteria are fully met. It is incumbent upon the State to make the determination through an onsite facility (or full construction and operations plan) review and, through the exercise of its oversight responsibility, to ensure that the separate character of the juvenile detention facility is maintained by continuing to fully meet the four criteria set forth above. [MCA 41-5-103\(49\)\(a\)\(ii\) Colocated facility](#)

- *Contact*. Any physical or *sustained* sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders (28 CFR 31.303(d)). [MCA 41-5-349\(3\)\(c\) limitations on placement of youth in jails or other adult detention facility](#).
- *Court Holding facility*. A *court* holding facility is a *secure* facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearings or other court proceedings (page 53, OJJDP Guidance Manual. (**Caution: Don't confuse this with the non-secure "Holdover" defined in MCA 41-5-103(23) of the Youth Court Act.**) [MCA 41-5-103\(15\) Detention facility](#)
- *Criminal Offender*. Reference definitions for *Other individuals accused or convicted of criminal offenses* below. [MCA 41-5-103\(9\) Criminally convicted youth](#)
- *Criminal-type offender*. A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 41.304(g)). A juvenile held for criminal contempt remains a status offender unless: 1) the offense done by the offender that resulted in the criminal contempt charge would have been a crime, other than contempt, if done by an adult; or 2) the court order violated by the youth was issued by a process that meets the federal definition of a valid court order (VCO). As status offenders, juveniles who violate a VCO cannot be held in an adult jail or lockup for any length of time (Pages 19-23, *OJJDP Guidance Manual*). [\(Montana's informal and formal court proceedings do not meet the requirements of the Federal VCO process and MCA 41-5-1431\(3\) specifically](#)

disallows any disposition for violation of probation that was not available in the original case.) [MCA 41-5-103\(11\) Delinquent youth](#)

- *Delayed egress device.* A device that precludes the use of exits for a predetermined period of time (Page 53, *OJJDP Guidance Manual*)
- *Delinquent offender.* Reference definition for *Criminal-type offender* above. [MCA 41-5-103\(11\) Delinquent youth](#)
- *Facility.* A place, an institution, a building or part thereof, set of buildings, or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies (28 CFR 31.304(c)).
- *Juvenile offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of *adjudication* and treatment based on age and offense limitations as defined by State law, i.e., a criminal-type offender or a status offender (28 CFR 31.304(f)).
- *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court (28 CFR 31.304(d)).
- *Juvenile who is adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender (28 CFR 31.304(e)).
- *Lawful custody.* The exercise of care, supervision, and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree (28 CFR 31.304(j)). [MCA 41-5-321 & 322 Taking into and release from custody](#)
- *Non-offender.* A juvenile *who* is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juveniles (28 CFR 31.304(i)). [MCA 41-3-102\(29\) Youth in need of care](#)
- *Non-secure custody.* A juvenile may be in law enforcement custody and, therefore, not free to leave or *depart* from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, but not be in a secure detention or confinement status. The November 2, 1988, Federal Register announcement, Policy Guidance for Non-secure Custody of Juveniles in Adult Jails and Lockups; Notice of Final Policy, states that the following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in an adult jail or lockup facility:
  1. The area(s) where the juvenile is held is an unlocked multipurpose area, such as a lobby, office, or interrogation room which is not designated, set aside, or used as a secure detention area or is not part of such an area, or if a secure area, is used only for processing purposes;

2. The juvenile is not physically secured to a cuffing rail or other stationary<sup>4</sup> object during the period of custody in the facility;
3. The use of the area(s) is limited to providing non-secure custody only long enough for and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
4. In no event can the area be designed or intended to be used for residential purposes; and
5. The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

In addition, a juvenile placed in the following situations would be considered in a non-secure status:

- If certain criteria are met, a juvenile handcuffed to a non-stationary object: Handcuffing techniques that do not involve cuffing rails or other stationary objects are considered non-secure if the five criteria above are adhered to.
- If certain criteria are met, a juvenile being processed through a secure booking area: Where a secure booking area is all that is available, and continuous visual supervision is provided throughout the booking process, and the juvenile remains in the booking area only long enough to be photographed and fingerprinted (consistent with State law and/or judicial rules), the juvenile is not considered to be in a secure detention status. Continued non-secure custody for the purposes of interrogation, contacting parents, or arranging an alternative placement must occur outside the booking area.
- A juvenile placed in a secure police car for transportation: The JJDP Act applies to secure detention facilities and secure correctional facilities, so a juvenile placed in a secure police car for transportation would be in a non-secure status.
- A juvenile placed in a non-secure runaway shelter, but prevented from leaving due to staff restricting access to exits: A facility may be non-secure if physical restriction of movement or activity is provided solely through facility staff.
- *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged *with* committing a criminal offense in a court exercising criminal jurisdiction (28 CFR 31.304(k)). [MCA 41-5-103\(9\) Criminally convicted youth \(accused would be after transfer hearing under 41-5-206 and case is retained in district court\)](#)
- *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a *criminal* offense by a court exercising criminal jurisdiction (28 CFR 31.304(l)). [MCA 41-5-103\(9\) Criminally convicted youth](#)

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<sup>4</sup> Stationary in this context, means not capable of being moved by a youth; e.g. a heavy oak desk or four point restraint system would be considered stationary.



- *Private agency.* A private non-profit agency, organization or institution is:
  - (A) Any corporation, foundation, trust, *association*, cooperative, or accredited institution of higher education not under public supervision or control; or
  - (B) Any other agency, organization or institution which operates primarily for scientific, education, charitable service or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax exempt under the provisions of section 501 (c) (3) of the 1954 Internal Revenue Code (28 CFR 31.304(a)).
- *Public agency.* The term “public agency” means any State, unit of local government, combination of such States or *units*, or any department, agency or instrumentality of any of the foregoing (42 USC 5603 Sec. 103(11)).
- *Secure Custody.* As used to define a detention or correctional facility, this term includes residential facilities that *include* construction features designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff (28CFR 31.304(b)).
- *Secure juvenile detention center or correctional facility.* A secure juvenile detention or correctional facility is any *secure* public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders (28 CFR 31.303(n)(f)(2)). Many States use the term “training school” for juvenile correctional facilities. [MCA 41-5-103\(49\) Youth detention facility & MCA 41-5-103\(40\) State youth correctional facility.](#)
- *Staff secure facility.* A Staff secure facility may be defined as a residential facility (1) which does not include *construction features* designed to physically restrict the movements and activities of juveniles who are in custody therein; (2) which may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. [MCA 41-5-103\(37\) Shelter care & \(38\) Shelter care facility](#)
- *Stationary.* *Not capable of being moved by the juvenile.*
- *Status offender.* A juvenile offender who has been charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a *crime* if *committed* by an adult (28 CFR 31.304(h)). A juvenile held for criminal contempt remains a status offender unless: 1) the offense done by the offender that resulted in the criminal contempt charge would have been a crime other than contempt if done by an adult; or 2) the court order violated by the youth was issued by a process that meets the federal definition of a valid court order (VCO). As status offenders, juveniles who violate a VCO cannot be held in an adult jail or lockup for any

length of time (Pages 19-23, *OJJDP Guidance Manual*). The following are examples of status offenses:

- Truancy
- Violations of curfew
- Unruly or ungovernable
- Runaway
- Underage possession and/or consumption of tobacco products

Underage possession and/or consumption of alcohol. This offense is always considered a status offense, even though State or local law may consider it a criminal-type offense. [MCA 41-5-103\(50\) Youth in need of intervention](#)

- *Valid Court Order (VCO)*. The term means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word “valid” permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States (28 CFR 31.304(o)). (Reference “Summary of the Valid Court Order (VCO) Process” attached and second paragraph page 23 federal guidelines manual re: state common laws and use of traditional contempt). ***(Note: Montana’s court order process does not meet the federal standard for a valid court order process. Since 2003, Montana law does not allow for incarceration of youth in need of intervention who violate a court order.)*** [MCA 41-5-103\(11\) Delinquent youth](#); [41-5-341\(2\) Criteria for placement of youth in secure detention facilities](#); [41-5-345 Limitation on placement of youth in need of intervention](#); [41-5-349\(2\) Exceptions of youth not to be detained in jail](#), [41-5-1431\(3\) Probation revocation disposition](#); and [41-5-1512\(o\)\(i\) Disposition of youth in need of intervention or youth who violate consent adjustments](#).



## **Section 401: Identification of Facilities**

<b>Date Issued:</b>	October 2003
<b>Review Date:</b>	Biennially thereafter
<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act Section 223(a) (11), (12), (13) & (14)
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Federal Regulation, 28 CFR Part 31
<b>Federal Guidance:</b>	Guidance Manual for Monitoring Facilities Under the <i>Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003)</i> , Section 5

### **Statement of Purpose:**

To identify facilities in which youth may be placed as the result of public authority.

### **Statute:**

The Youth Court Act (Reference MCA 41-5-322) limits the placement of youth as the result of law enforcement and courts to:

1. Shelter care placements (Reference MCA 41-5-103(37) & (38), 41-5-342, 41-5-347, 52-2-602);
2. Secure juvenile and colocated detention and juvenile correctional facilities (Reference MCA 41-5-341, 41-5-348, 41-5-103(39),(49) & (35)); and
3. Adult Jails and Lockups (Reference MCA 41-5-349 & 350)

### **Procedures:**

1. Annually, on or before 3/30, of each calendar year the Juvenile Justice Planner will query the following:
  - a. All entities in the current monitoring universe.
  - d. Montana Department of Corrections
    - Quality Assurance Division Detention Licensing, 444-7471
    - Juvenile Placement contracts, Juvenile Corrections Administrator, 444-0851
2. The annual query will request verification that the entity:
  - a. Either operates or does not operate a secure facility used to detain juveniles or juveniles and adults.
  - b. If they operate a secure facility, agrees that the number of youth reported to MBCC as securely detained in the facility during the prior calendar year matches the records for that facility.
3. During onsite visits, the designated monitor will query each facility administrator/sheriff and document the responses to the query in the facility's monitoring report to determine if other facilities exist in their county where law enforcement officers place youth.

4. During onsite visits, the designated monitor will query sheriffs in counties that don't operate secure facilities to determine the practices used for the handling and placement of youth in their custody and document their responses in the monitoring report. (Reference Section 405)
5. The facility table in the Juvenile Detention Reporting (JDR) System will be updated as needed with the results of the annual query and onsite monitoring reports

## **Section 402: Facility Classification**

<b>Date Issued:</b>	October 2003
<b>Review Date:</b>	Biennially thereafter
<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act Section 223(a) (11), (12), (13) & (14)
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Federal Regulation, 28 CFR Part 31
<b>Federal Guidance:</b>	<i>Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5</i>

### **Statement of Purpose:**

To set forth the process to classify facilities and identify the Monitoring Universe.

### **State Statute:**

Montana Code Annotated (MCA) 52-2-621-623 assigns monitoring, licensing and regulatory authority for all non-secure juvenile residential facilities and secure residential hospitals to the Department of Public Health and Human Services (DPHHS).

MCA 41-5-103(39),(49) & (35) assigns licensing and regulatory authority for secure juvenile detention and colocated facilities to the Department of Corrections.

State statute does not provide for the licensing of juvenile correctional facilities or adult jails or lockups.

### **Federal Guidance:**

The OJJDP Guidance Manual, page 27, states: "States must determine whether or not a facility in which juveniles are detained or confined is an adult jail, adult lockup, or a secure juvenile detention center or correctional facility. The JJDP Act prohibits the secure custody of juveniles in adult jails and lockups. Juvenile facilities colocated with adult facilities are considered adult jails or lockups absent compliance with the four criteria listed in this section. A facility adhering to the four criteria would qualify as a separate secure juvenile detention center or correctional facility for the purpose of monitoring for compliance with DSO, jail removal, and separation."

### **Policy:**

The designated monitors, during their on-site monitoring visits, will review and classify and/or reclassify facilities.

For purposes of this policy and for classification:

- The definitions listed in policy 400 will be used and
- There will be four categories for classification of each facility:
  1. Is it public or private?
  2. Is it a juvenile facility, adult facility, or used for both?
  3. Is it secure or non-secure?

**Procedures:**

1. Facilities that meet the following classification criteria will be *excluded* from the monitoring universe consistent with OJJDP Regulations on exclusion from inspection and data collection:
  - A. All state operated or contracted private facilities that house criminally convicted adults will be classified as secure adult prisons. The Montana Youth Court Act, which prohibits the confinement of juveniles in adult prisons, unless charged and sentenced as adults, is enforceable through Judicial practice.
  - B. All non-secure facilities regulated and/or licensed and monitored by the Department of Public Health and Human Services (DPHHS) will be classified as non-secure facilities.
  - C. All secure residential treatment centers regulated and monitored by DPHHS with Joint Accreditation of Hospitals (JACo). MCA 41-5-1504 requires that no youth may be placed in a secure mental health facility unless they are suffering from a mental disorder as defined in MCA 53-21-102 and who meets the criteria in 53-21-126(1) is entitled to all rights provided by 53-21-114 through 53-21-119 of the mental health statutes.
2. Facilities that meet the following classification criteria will be *included* in the monitoring universe:
  - A. All law enforcement offices, even if they don't administer a secure jail, lockup or collocated detention facility.
  - B. All public or private non-secure facilities neither regulated nor licensed and monitored by the Department of Public Health and Human Services will be classified as a public or private non-secure juvenile holdover program.
  - C. All secure public or private facilities that confine both adult and juvenile offenders that do not meet the 4 OJJDP criteria will be classified as unapproved collocated facilities.
  - D. All secure public and private facilities that confine *only* adjudicated juvenile delinquent offenders will be classified as juvenile correctional facilities.
  - E. All secure public or private facilities that confine alleged *and* adjudicated juvenile delinquent offenders will be classified as juvenile detention facilities.
  - F. All secure public or private facilities that confine both juvenile and adult offenders and meet the 4 OJJDP criteria will be classified as approved collocated facilities.

- G. All secure public or private facilities that meet the federal definition of an adult lockup will be classified as an adult lockup.
- H. All secure public or private facilities that meet the federal definition of an adult jail will be classified as an adult jail.

## **Section 403: MT Monitoring Standards**

<b>Date Issued:</b>	October 2003
<b>Review Date:</b>	Biennially thereafter
<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act Section 223(a) (11), (12), (13) & (14)
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Federal Regulation, 28 CFR Part 31
<b>Federal Guidance:</b>	<i>Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5</i>

### **Statement of Purpose:**

Since Montana's Youth Court Act of 2005 is, in some instances, more restrictive than the JJDP Act, and since some core requirements of the JJDP Act is more restrictive than the Youth Court Act, it is necessary to provide the monitoring universe with clear information on what constitutes compliance or violation when handling youth in custody.

### **Policy:**

MBCC will develop clear monitoring standards for law enforcement departments and each facility type within the monitoring universe. These standards will be based upon the JJDP Act, federal regulations and guidance, Montana Youth Court Act and MBCC rules, *whichever is more restrictive*. Definitions set forth in Section 400 will be used. These standards will be most useful if freely disseminated in the field.

### **Compliance violations:**

- A. For licensed juvenile detention and collocated detention facilities:
  - (1) Unless subject to the Interstate Compact Rules as administered by the state, any civil, status or non-offender held for any length of time in a secure status.
  - (2) Any accused delinquent offender held in a secure status for more than 24 hours without a probable cause hearing in accordance with MCA 41-5-332.
  - (3) Any youth held in a facility during onsite inspection that self-identify a different race/ethnicity than the race/ethnicity reported to MBCC.
  - (4) Federal INS youth wards (aliens) held for any length of time in a secure status.
  - (5) Any youth that may have had sustained sight or sound contact with an adult offender.
- B. For adult jails or lockups *In an Metropolitan Statistical Area (MSA) or non-MSA with alternative placements available:*

- (1) Any non-offender, status, or civil offender placed in a secure or residential room or cell or cuffed to a stationary object.
  - (2) Any juvenile occupying the booking area at the same time as an incarcerated adult.
  - (3) Any accused criminal-type offender securely held over 6 hours from the time they enter a secure custody status.
  - (4) Any adjudicated criminal-type offender held for any period of time.
  - (5) Any juvenile in secure custody status that has any physical or sustained sight or sound contact with an incarcerated adult.
  - (6) Any juvenile held for six hours or less for punitive reasons.
  - (7) Any youth currently held at the facility that self-identifies a different race/ethnicity than the race ethnicity reported to MBCC.
- C. For adult jails or lockups in a non-MSA without alternative placements available:
- (1) Any juvenile status, civil or non-offender is placed in a secure or residential room or cell or is cuffed to a stationary object.
  - (2) A juvenile and an incarcerated adult occupy the booking area at the same time.
  - (3) An accused criminal-type offender securely held over 6 hours and released to parents/guardian without a probable cause hearing.
  - (4) An adjudicated criminal-type offender is securely held for any period of time.
  - (5) A juvenile in secure custody status, other than one adjudicated as a criminal offender in Adult District Court, has any physical or sustained sight or sound contact with an incarcerated adult.
  - (6) A juvenile is held for punitive reasons.
  - (7) Any youth currently held at the facility that self-identifies a different race/ethnicity than the race ethnicity reported in JDRS.
- D. Non-secure holdover facilities approved by MBCC:
- Records must be retained in accordance to procedure #1, but there is no requirement to report youth held *non-securely* to MBCC. If, during the onsite visit, it is determined that youth have been cuffed to a stationary object or otherwise held in a physically secure environment (reference definition of secure Section 400), monitors will collect and report the data to MBCC.
- E. Law enforcement departments that don't administer an adult jail or lockup:
- Records must be retained in accordance to procedure #1, with no requirement to report youth held non-securely to MBCC. If, during the onsite visit, it is determined that youth have been cuffed to a stationary object or held in a physically secure environment (reference definition of secure Section 400), monitors will collect and report the data to MBCC subject to the rules applicable to an adult jail or lockup.

**Procedures:**

1. The facility type and applicable standards are:
  - A. Law Enforcement Departments – MT Monitoring Standards for Juvenile Custody in Law Enforcement Departments
  - B. Public or private juvenile holdover programs – MT Monitoring Standards for Juvenile Custody in Holdover Programs
  - C. Unlicensed colocated detention facilities – MT Monitoring Standards for Juvenile Custody in Law Enforcement Departments
  - D. Juvenile Correctional Facilities – MT Monitoring Standards for Juvenile Custody in Juvenile Correctional Facilities
  - E. Juvenile Detention Facilities – MT Monitoring Standards for Juvenile Custody in Licensed Juvenile Detention Facilities
  - F. Licensed colocated detention facilities – MT Monitoring Standards for Juvenile Custody in Licensed Juvenile Detention Facilities
  - G. Adult Lockups – MT Monitoring Standards for Juvenile Custody in Law Enforcement Departments
  - H. Adult Jails – MT Monitoring Standards for Juvenile Custody in Law Enforcement Departments.
2. MBCC will make available the content of this policy and the standards to all law enforcement departments and facilities in the monitoring universe prior to receiving their first onsite inspection and prior to being subject to a violation procedure.
3. The content of this policy and facility standards will be posted and available for download from the MBCC Juvenile Justice web page by anyone.
4. The MBCC designated compliance monitors and the MBCC Juvenile Justice Planner will be available to anyone desiring additional information or clarification on any of the sections of the law.



## Section 404: Data Collection and Verification

<b>Date Issued:</b>	October 2003
<b>Review Date:</b>	Biennially thereafter
<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act Section 223(a) (11)-(14)
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Federal Regulation, 28 CFR Part 31
<b>Related Federal Guidance:</b>	<i>Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5</i>

### Statement of Purpose:

It is necessary to collect and verify data that will be used as the basis of the Annual Compliance Report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

### Policy:

Law Enforcement Departments and facility administrators will be responsible for maintaining and reporting data on youth held in secure custody to MBCC as follows:

1. All facilities classified as adult jails, adult lockups, or unapproved collocated facilities will be subject to *monthly reporting even if they have a written policy that prohibits the holding of youth.*
2. All facilities classified as juvenile correctional facilities will be subject to *annual reporting until the new juvenile corrections database is up and running, then reporting will become monthly.*
3. All facilities classified as juvenile detention or approved collocated facilities will be subject to *monthly reporting.*
4. All juvenile holdover programs and law enforcement departments that don't operate a secure detention facility will be subject to *onsite verification* that sufficient records are being kept to determine compliance with statutory and regulatory requirements, but *will not be subject to reporting data to MBCC.*

The MBCC staff monitors will be responsible for verifying data during onsite inspections following OJJDP Rules and Regulations on data collection.

### Procedures:

1. Members of the monitoring universe will ***log all the youth in secure or non-secure custody.*** The following data will be maintained on all youth in secure care, *asterisked items indicate minimum data requirements for youth in non-secure care:*

- Name\*
  - ID number<sup>5</sup>
  - Month, day, and year of birth\*
  - Gender\*
  - Self reported race/ethnicity (use federal census categories)\*
  - Jurisdiction (Department of Corrections, youth district court, adult district court, out-of state (interstate compact), federal INS, federal BIA, federal – other, or tribal court)\*
  - County or tribe of the MT jurisdiction placing the youth in custody\*
  - MCA code for most serious offense charged, if criminal contempt/probation violation (MCA 45-7-309), include original offense.<sup>6</sup>
  - Date and time youth was taken into custody\*
  - Date and time youth was released from custody\*
  - Date and time youth received a probable cause hearing
  - If adjudicated youth, date and time committed to Department of Corrections (DOC)
  - If accused criminal offender, date and time of hearing where youth was transferred to adult court.
  - If adjudicated criminal offender, date and time committed to DOC as an adult.
  - To whom child was released (e.g. parent/guardian, transferred to other detention facility, transferred to treatment, etc.)\*
2. Data on youth held in **secure** status will be self reported to MBCC in the manner prescribed by the Statistical Analysis Center (SAC).
  3. The Juvenile Justice Planner will maintain a file for each entity in the monitoring universe filed by county/tribe. The file will include:
    - Onsite Monitoring Forms
    - Inspection notes
    - Results of data verification.
    - Collocated Checklist and/or Rural Exception Checklist if applicable
    - Facility floor plan and current written policies and procedures for managing youth in custody.
    - Violation Reports
    - Correspondence
  4. MBCC staff monitors, during onsite visits, will:
    - Note on the Monitoring Form the name and contact information of the individual assigned responsibility for reporting secure custody data to MBCC.
    - Review the entity's log of youth in custody and verify all of the following data sets to documents on file and collect any data of the following data sets, identified and not properly reported to MBCC:

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<sup>5</sup> For Montana youth under the jurisdiction of MT District Youth Courts or the Department of Corrections, use the Assessments.com ID number. For youth under the jurisdiction of the Out of State Court, Federal Court, or Tribal Court, use an ID number of your choosing that can link the information reported to MBCC with the appropriate youth's documents on file in your facility.

<sup>6</sup> If youth not under the jurisdiction of MT District Youth Courts or the MT Department of Corrections, use the MCA equivalents. If no equivalents, call the Juvenile Justice Planner at (406) 444-2632 for help.

- A. For juvenile detention and approved colocated detention facilities:
- a. Any civil, status or non-offenders held for any length of time in a secure status.
  - b. Any accused delinquent offender held in a secure status for more than 24 hours without a probable cause hearing in accordance with MCA 41-5-332
  - c. Any youth currently held at the facility that self-identify a different race/ethnicity than the race/ethnicity reported to MBCC
  - d. Federal INS wards (aliens) held for any length of time in a secure status.
  - e. Any youth that may have had sustained sight or sound contact with an adult offender.
- B. Adult Jails or Lockups and unlicensed colocated detention facilities *In an Metropolitan Statistical Area (MSA) or non-MSA with alternative placements available:*
- a. Any non-offender, status, or civil offender placed in a secure or residential room or cell or cuffed to a stationary object.
  - b. Any juvenile occupying the booking area at the same time as an incarcerated adult.
  - c. Any accused criminal-type offender securely held over 6 hours from the time they enter a secure custody status.
  - d. Any adjudicated criminal-type offender held for any period of time.
  - e. Any juvenile in secure custody status that has any physical or sustained sight or sound contact with an incarcerated adult.
  - f. Any juvenile held for six hours or less for punitive reasons.
  - g. Any youth currently held at the facility that self-identifies a different race/ethnicity than the race ethnicity reported to MBCC.
- C. Adult Jails or Lockups and unlicensed colocated detention facilities *In a non-MSA without alternative placements available:*
- a. A juvenile status, civil or non-offender is placed in a secure or residential room or cell or is cuffed to a stationary object.
  - b. A juvenile and an incarcerated adult occupy the booking area at the same time.
  - c. An accused criminal-type offender securely held over 6 hours and released without a probable cause hearing or other court appearance.
  - d. An accused criminal-type offender securely held over 24 hours, excluding Saturdays, Sundays and legal holidays from the time they enter a secure custody status without a probable cause hearing.
  - e. An adjudicated criminal-type offender is securely held for any period of time.

- f. A juvenile in secure custody status, other than one adjudicated as a criminal offender in Adult District Court, has any physical or sustained sight or sound contact with an incarcerated adult.
  - g. A juvenile is held for punitive reasons or held more than 6 hours and released without a probable cause hearing.
  - h. Any youth currently held at the facility that self-identifies a different race/ethnicity than the race ethnicity reported in JDRS.
- D. Non-secure holdover facilities approved by MBCC:
- Records must be retained in accordance to procedure #1, but there is no requirement to report youth held non-securely to MBCC. If, during the onsite visit, it is determined that youth have been cuffed to a stationary object or otherwise held in a physically secure environment (reference definition of secure Section 400), monitors will collect and report the data to MBCC.
- E. Law enforcement departments that don't administer a secure facility:
- Records must be retained in accordance to procedure #1, but there is no requirement to report youth held non-securely to MBCC. If, during the onsite visit, it is determined that youth have been cuffed to a stationary object or held in a physically secure environment (reference definition of *secure* Section 400), monitors will collect and report the data to MBCC subject to the same rules and regulations that apply to an Adult Jail or Lockup.

## **Section 405: Onsite Monitoring**

<b>Review Date:</b>	October 2003, biennially thereafter
<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act Section 223(a) (11)-(14)
<b>Federal Regulations:</b>	OJJDP Formula Grants Consolidated Federal Regulation, 28 CFR Part 31
<b>Federal Guidance:</b>	<i>Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5</i>

### **Statement of Purpose:**

To provide a process for onsite review of monitoring universe to:

1. Classify or update the classification of facilities (Reference Section 402);
2. Inspect physical areas and conduct staff interviews to determine if youth in custody are being handled in compliance with statutory and regulatory requirements. (Reference Section 403);
3. Ensure that adequate data and supporting documentation are maintained to determine compliance with the statutory requirements and to verify self-reported data (Reference Section 404); and
4. Conduct investigations of alleged violations (Reference Section 405).

### **Policy:**

The inspection process will: include a means to standardize the review process among facilities of the same type; document the results of the review process and compliance with the published standards for the type of facility being monitored; provide an original report to MBCC and a copy to the entity that was the subject of the onsite inspection.

Entities will be monitored on as follows:

1. Entities that will be monitored at least once in every three years are:
  - a. Non-secure juvenile holdover programs as defined in MCA 41-5-103(23)
  - b. Law enforcement departments that don't operate a secure facility.
  - c. Law enforcement departments that operate an adult jail, lockup, or unapproved collocated facility.
2. Entities that will be monitored at least once each year are:
  - a. Juvenile Correctional facilities.
  - b. Juvenile Detention facilities.
  - c. Approved Collocated facilities.

**Procedures:**

1. An onsite visit without prior notice to the facility may be made to investigate an allegation of a compliance violation or as follow-up to a documented compliance violation. Otherwise, 10 days prior to a regular on-site inspection, MBCC monitors will notify the juvenile probation officer, facility administrator, and if it is a county owned facility, the county commissioners, of the date and time of the inspection.
2. MBCC monitors will complete a monitoring form according to the facility type as follows:
  - a. For all law enforcement departments except those that operate an approved collocated detention facility, Form A - Law Enforcement Departments Monitoring Form (Reference Form A)
  - b. For all approved collocated, juvenile detention, and juvenile correctional facilities, Form B - Juvenile Detention/Correctional Facilities Monitoring Form (Reference Form B)
  - c. For all Juvenile Holdover Programs, Form C - Juvenile Holdover Programs Monitoring Form (Reference Form C)

One copy of the form *and applicable attachments* will be given to the facility administrator, one will be retained in the Monitor's notebook and the original given to the Juvenile Justice Planner to review and place in the appropriate facility file located in the Planner's office at MBCC.

3. A thorough record keeping review will be conducted to ensure all facilities keep records consistent with state and federal OJJDP Rules and Regulations (Reference Section 404 – Data Reporting and Verification).
4. If a facility holds both adults and juveniles, Form D - Collocated Facility Checklist will be completed during each onsite inspection, attached to and become part of the monitoring form. (Reference Form D)
5. Form E - Rural Exception Checklist will be completed at all inspections of adult jails, adult lock-ups or unlicensed collocated facilities, attached to and become part of the monitoring form. (Reference Form E)
6. If youth were held in violation of the JJDP Act, and not reported as a violation in the facilities regular reporting to MBCC, a Form F - Compliance Violation Form will be completed, attached to and become part of the Juvenile Detention Monitoring form. (Reference Form F)
  - A. The MBCC staff monitors will provide technical assistance and training to those facilities not in compliance with record keeping requirements and state and federal statutes.
  - B. Cases where there is non-cooperation in aligning their systems to OJJDP requirements will be brought to the prompt attention of the MBCC Juvenile Justice Planner by the MBCC staff monitors in a written request for further action.
7. A master facility table, retained in the Juvenile Detention Reporting (JDR) System, will be updated by the Juvenile Justice Planner based on information

provided in the monitoring forms and annual facility surveys with the following information:

- A. Name of facility subject to inspection.
- B. Judicial District and County in which facility is physically located.
- C. Classification of the facility at the last on-site inspection.
- D. Reporting status (reporting or non-reporting).
- E. Date of the last on-site inspection.
- F. Facility's address and phone number.
- G. Metropolitan Statistical Area status of the area where facility is located.
- H. Sight and Sound Separation status of the facility at the last on-site inspection. (i.e., facility is/isn't physically sight or sound separate, if not physically sight and sound separate, whether separation is maintained through policy & procedure.

## **Section 406: Violations**

<b>Date Issued:</b>	October 2003
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<b>Last Review:</b>	December 2005
<b>Federal Law:</b>	JJDP Act Section 223(a) 14
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Regulation, 28 CFR Part 31
<b>Federal Guidance:</b>	Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003), Section 5

### **Statement of Purpose:**

To set forth the procedures to be used when a facility is alleged or found to be in violation of the JJDP Act.

### **Procedures:**

1. The MBCC designated monitors and Juvenile Justice Planner will be the primary agents to discover and report compliance violations throughout the state, and to investigate alleged violations.
2. The process to be used by the Juvenile Justice Planner to investigate violations self-reported to JDR System is:
  - A. Email the facility to request that the data be reviewed to ensure that the violation is valid and not the result of a typographical error or missing data element.
    - i. If the facility responds that the data on which the violation was calculated was in error, the facility will be asked to correct the data.
    - ii. If the facility responds that the data is correct:
      1. The record of the violation in the JDR System will act as the information of the violation to be reported to OJJDP in the annual Compliance Report (Reference Section 407).
      2. The Juvenile Justice Planner will obtain a report of the circumstances surrounding the violation and provide technical assistance and training as needed.
  - B. Reported data will be verified by the compliance monitoring during the facility's on-site monitoring visit.
3. When MBCC receives an independent report of a compliance violation, the Juvenile Justice Planner will designate a monitor to investigate it. Sources may include but are not limited to:
  - The Youth Justice Advisory Council



- Administrators of public and private agencies
  - Interested citizens and/or parents
  - Youth
4. The process to be used to receive, investigate and respond to an allegation of a compliance violation is:
- A. The Juvenile Justice Planner will:
    - i. Initiate a Compliance Violation Report (Form F). Documenting the circumstances surrounding the alleged violation and the nature of the violation.
    - ii. Review the JDR System database for the facility named in the allegation to determine if the alleged violation has already been self-reported.
      - 1. If the violation has already been self-reported, follow the process set forth in step #4 above, documenting the results on the Violation Report Form and filing in the appropriate facility file.
      - 2. If the violation has not been self-reported, forward the Violation Report Form to the appropriate compliance monitor.
  - B. The assigned monitor will make an on-site visit to fully investigate the alleged violation, following OJJDP Rules and Regulations.
    - i. If onsite investigation either reveals or confirms a violation has occurred the monitor will provide:
      - 1. The facility with an explanation of the nature of the violation,
      - 2. Immediate on-site instruction on the measures necessary for the facility to come into compliance,
      - 3. Copies of documentation, and complete original Form F (including follow-up recommendations) to the Juvenile Justice Planner
    - ii. Compliance monitors will provide to the JJ Planner, the written facility monitoring forms, including Violation Reports (Reference Form 6) for the facilities monitored *no later than 20 days after the end of the quarter* in which they were visited.
5. The process to be used by the MBCC designated monitors to report violations that are:
- A. Flagged in the JDR data report and confirmed onsite to be violations:
    - i. No further reporting is required, the JDR report will act as the report of the violation.
  - B. Flagged in the JDR data report and found onsite to be data reporting errors and not violations:

- i. The facility will be notified and requested to make the appropriate correction to data input incorrectly into the JDR.
  - ii. The situation will be documented and reported to the Juvenile Justice Planner.
  - iii. If necessary, the JJ Planner will follow-up with the facility to ensure that the data is corrected and the false report of a violation removed.
6. The MBCC JJ Planner will follow up a confirmed compliance violation with any action that is deemed responsible and appropriate to the circumstances.
7. Facilities that are found to be in violation may appeal the finding to the Youth Justice Advisory Council by sending a letter of intent to appeal (no latter than 10 days prior to the next scheduled meeting of the YJAC) to:
  - Chairman, MT Youth Justice Advisory Council
  - c/o Juvenile Justice Specialist
  - Montana Board of Crime Control
  - PO Box 201408
  - Helena, MT 59620-1408
8. Upon receipt of a letter of intent to appeal, the JJ Specialist will provide a copy of the letter to the JJ Planner for the facility file and work with the Chairman of the YJAC to schedule hearing of the appeal on the next meeting agenda.
9. If a facility does not respond to training or technical assistance and continues to accumulate additional avoidable violations, the Juvenile Justice Planner will follow the identified process detailed in Section 100.

## **Section 407: Annual Report to OJJDP**

<b>Date Issued:</b>	October 2003
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<b>Federal Law:</b>	JJDP Act Section 223(a) (11)-(14)
<b>Federal Regulation:</b>	OJJDP Formula Grants Consolidated Federal Regulation, 28 CFR Part 31
<b>Federal Guidance:</b>	Guidance Manual for Monitoring Facilities Under the <i>Juvenile Justice and Delinquency Prevention Act of 1974 as Amended (Revised 9/2003)</i> , Section 5

### **Statement of Purpose:**

To establish a policy and procedure for reporting compliance to the Office of Juvenile Justice and Delinquency Prevention.

### **Policy:**

It is the MBCC Juvenile Justice Planner's responsibility to compile the compliance data in the format required by OJJDP and have it delivered to OJJDP no later than March 31 annually.

### **Procedures:**

1. The reporting period is the calendar year.
2. The first week of December, the MBCC Data Technician and the Juvenile Justice Planner will send a memo to all facilities in the monitoring universe reminding them that all facilities need to have reported all youth discharged from their facility for the calendar year no later than January 31 following the end of the reporting year. Form G will be provided to facilities that do not have access to the JDR database for reporting.
3. 1<sup>ST</sup> week in February, the MBCC Data Technician and the Juvenile Justice Planner will arrange for an email (telephone where email does not exist) survey of each facility in the monitoring universe, requesting confirmation or correction of the following information for their facility:
  - a. Total number of youth securely held, if any, for the calendar year.
  - b. Total number of youth held in violation of state or federal statutes.
  - c. Facility name
  - d. Facility address
  - e. Facility administrator
  - f. Facility reporting contact
  - g. Facility phone number
  - h. Facility status (active/inactive)
  - i. Facility policy on holding youth (holds youth/does not hold youth)
    - i. If the policy is to not hold youth, confirm that circumstances did not occur where youth were held contrary to policy.

4. After the end of the 2nd week in February, the MBCC Data Technician and Juvenile Planner will determine if all facilities in the monitoring universe have responded to the request to confirm MBCC's records of data for their facility. The Data Technician will report the total number of non-respondents (if any) to the MBCC Executive Director for follow-up.
5. After all facility data has been collected and confirmed, the Juvenile Justice Planner will query the JDRS program to extract the data needed to complete OJJDP's Report template (Reference Form H) that is available for download at:  
[www.ojjdp.ncjrs.org/compliance/compliance\\_monitoring\\_report.xls](http://www.ojjdp.ncjrs.org/compliance/compliance_monitoring_report.xls)
6. Violation data confirmed by monitors and reported on Violation Reports, *that were not also reported to the JDR System*, will be added to the data from the database queries and included in filling out Form H.
7. A Compliance Report file for the reporting year will be created in the Office of the Juvenile Justice Planner that contains:
  - a. A copy of the completed Form H
  - b. A copy of the one page "State of Montana Insurance Deductions Calendar" that shows all holidays and weekends for the reporting period.
  - c. Copies of the JDR queries and violation reports used to compile the data to complete Form H.
  - d. Copies of the Monitoring Universe Survey letter, facility responses and documentation of follow-up with non-respondents, if any.
8. On or before March 31 of each year, MBCC will Fed Ex the original and one copy of the Monitoring Report to the State Representative assigned to Montana by OJJDP.
9. Additional copies of the report will be:
  - a. Filed in the office of MBCC's JJ Planner (reference #7 above);
  - b. Filed in the appropriate Title II Formula Block Grant File;
  - c. Made available to the Youth Justice Advisory Council and other interested parties.

## **Section 408: Training**

**Date Issued:** October 2003  
**Review Date:** Biennially thereafter  
**Last Review:** December 2005

### **Statement of Purpose:**

To establish an effective policy and procedure for training MBCC compliance staff, local law enforcement, and administrators of secure facilities on the state and federal laws, regulations and policies applicable to youth in custody.

### **Policy:**

It is the responsibility of the MBCC Executive Director to:

1. Allocate resources to provide national training to the Juvenile Justice Planner annually and one initial national training for new Compliance Monitors on federal statutes and requirements.
2. Monitor and inform the Juvenile Justice Planner and Juvenile Justice Specialist of changes to state and federal statutes that impact compliance.
3. Work with the Juvenile Justice Specialist to identify resources to meet the training needs communicated by the Juvenile Justice Planner.

It is the responsibility of the MBCC Juvenile Justice Planner to:

1. Develop monitoring plans, standards, training and training aids that when implemented will allow compliance monitors, local law enforcement officers and administrators of secure facilities to be knowledgeable in the handling of youth in custody in compliance with both state and federal statutes, regulations and policies,
2. Provide on the job training to compliance monitors;
3. Answer compliance questions as they arise from compliance monitors, facility administrators, local law enforcement, juvenile justice personnel, and the public.
4. Identify and communicate training needs of compliance personnel, law enforcement, detention officers, and juvenile probation officers to the MBCC Executive Director.
5. Work with the MBCC Executive Director and the JJ Specialist to develop a strategy to address the identified training needs.
6. Communicate identified training needs and appropriate strategy to the YJAC at their next quarterly meeting.

It is the responsibility of the Compliance Monitors, during on-site monitoring visits, to:

1. Provide appropriate compliance standards, training aids, and on-site training to local law enforcement and facility administrators, and
2. Identify and communicate additional training needs to the JJ Planner.

It is the responsibility of the Juvenile Justice Specialist to:

1. Work with the MBCC Executive Director and the JJ Planner to develop strategies to address identified training needs.
2. Work with the Chair of the YJAC to provide time on the agenda for the Compliance Report.

**Section 409: Tribes**

**Date Issued:** December 2005  
**Review Date:** Biennially thereafter  
**Last Review:** December 2005

**Statement of Purpose:**

To establish an effective policy and procedure for meeting the requirement that tribes that access Native American pass through attempt to comply with the JJDP Act, while still recognizing that the state does not have any right to monitor tribes except as agreed to by them as sovereign entities.

**Policy:**

It is the responsibility of the MBCC Executive Director to work with the Juvenile Justice Specialist and the Juvenile Justice Planner to address identified tribal training needs.

It is the responsibility of the Juvenile Justice Specialist to:

1. Ensure that Requests for Proposals for Title II Formula Grant funds include a requirement for tribes to submit a valid signed tribal resolution agreeing to try to comply with the JJDP Act.
2. Work with the MBCC Executive Director and the JJ Planner to develop strategies to address identified tribal training needs.

It is the responsibility of the MBCC Juvenile Justice Planner to:

1. Develop a sample tribal resolution using JJDP Act language to post on the web page for reference by tribal applicants.
2. Work with the DMC Committee to review the sample tribal resolution to simplify the JJDP Act language into plain language for use by the tribes.
3. Provide copy of signed Tribal Resolutions to contracted compliance monitor.
4. Answer compliance questions as they arise from tribes, compliance monitors, tribal facility administrators, tribal law enforcement, tribal juvenile justice personnel, and the public.
5. Identify and communicate training needs of tribes, compliance personnel, law enforcement, detention officers, and juvenile probation officers to the MBCC Executive Director.
6. Work with the MBCC Executive Director and the JJ Specialist to develop a strategy to address the identified tribal training needs.
7. Communicate identified tribal training needs and appropriate strategy to the YJAC at their next quarterly meeting.

It is the responsibility of the Compliance Monitors, during on-site monitoring visits, to:

1. Contact tribes and set up appointment to provide technical assistance and training on the JJDP Act to tribal law enforcement, tribal facility administrators and tribal courts.

2. Provide appropriate compliance standards, training aids, and on-site training to tribal law enforcement, tribal courts and tribal facility administrators, and
3. Identify and communicate additional tribal training needs to the JJ Planner.
4. Arrange annual onsite monitoring visits for the duration of tribe's Title II Formula Grant funding.



## **Section 410: Maintenance of Monitoring Plan**

**Date Issued:** October 2003  
**Review Date:** Biennially thereafter  
**Last Review:** December 2005

### **Statement of Purpose:**

To establish a means for ensuring that the Monitoring Plan reflects current state and federal statutes.

### **Policy:**

It will be the responsibility of the Juvenile Justice Planner to initiate a biennial review of the Compliance Monitoring Plan after each state legislative session and draft revisions to the plan as necessary.

It will be the responsibility of the Compliance Monitors and Juvenile Justice Specialist to review the draft and in a meeting initiated by the Juvenile Justice Planner, provide input and suggestions for change to the Plan.

It will be the responsibility of the Juvenile Justice Planner to incorporate agreed upon revisions to the draft.

It will be the responsibility of the Juvenile Justice Specialist to bring the revised draft forward to the YJAC for approval.

### **Procedures:**

The Juvenile Justice Planner will:

1. In October of odd numbered years or when first available, obtain a copy of the Youth Court and JJDP Acts as amended;
2. Review them for impact to the Compliance Monitoring Plan;
3. Draft a revision the Compliance Monitoring Plan to appropriately reflect statutory impact;
4. Make adjustments to the plan based on personal observation and evaluative feedback obtained in the past two years from Plan users;
5. When the first draft is complete, initiate a meeting with the Compliance Monitors, Statistical Analysis Center (SAC) unit, and Juvenile Justice Specialist for comprehensive review, revision, and input;
6. Implement changes to the draft agreed upon during the comprehensive review;
7. Provide the revised draft to the Juvenile Justice Specialist for submission to the YJAC for approval;

8. Provide a copy of the YJAC approved plan to the MBCC Data Technician to post to the web; and
9. Advise all users of the availability of the revised plan for download from MBCC's web page.

The Compliance Monitors will:

1. Provide continuous feedback to the Juvenile Justice Planner on ease of use of the manual and related materials in the field observed by themselves and/or as related by facility administrators;
2. Attend and participate in the comprehensive review of the draft revisions to the Compliance Plan;
3. Provide training and technical assistance on the changes to facility administrators and their personnel as requested and during regular onsite visits.

The Juvenile Justice Specialist will:

1. Provide continuous feedback to the Juvenile Justice Planner on ease of use of the manual and related materials as related by juvenile justice professionals in the field;
2. Participate in the comprehensive review of the drafted revisions to the Compliance Monitoring Plan; and
3. Work with the Chair of the YJAC to provide copies of the drafted revisions to the YJAC for their review, and time on the agenda for approval of the Plan.

The Chairman of YJAC will:

1. Provide time on the agenda for the YJAC to approve the revised Compliance Monitoring Plan.

The MBCC Data Technician will:

1. Post the revised Compliance Monitoring Plan to MBCC's web page.

**Forms:**

**Montana Board of Crime Control**  
**MONITORING FORM A - LAW ENFORCEMENT DEPARTMENTS**

<b>County</b>	<b>Name of Principal Contact</b>	
<b>Name of Facility</b>		
<b>Street Address of Facility</b>		<b>Date</b>
<b>Mailing Address of Facility</b>		<b>Phone No.</b>
<b>City</b>	<b>Zip Code</b>	<b>Date of Previous Inspection:</b>

**I. FACILITY CLASSIFICATION**

☐ Adult Jail   
 ☐ Adult Lockup   
 ☐ Unapproved Collocated   
 ☐ No Secure Facility   
 ☐ Other

**Describe Other:**

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Operation/Ownership of Facility:   ☐ Private   ☐ Public

Metropolitan Statistical Area (MSA)..... ☐ Yes   ☐ No

**II. PRACTICE**

1. Does your community have an MBCC approved holdover program? ..... ☐ Yes   ☐ No

2. Are alternatives to detention or secure holding available for the placement of youth in your county?..... ☐ Yes   ☐ No

**If Yes,** list the facility(ies) and location(s):

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3. Are there other lockups or jails operated by your department or other law enforcement officials in your county? ..... ☐ Yes ☐ No

**If yes**, list the facility(ies) and location(s):

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4. Do law enforcement officers bring youth to this facility for:
- Questioning? ..... ☐ Yes ☐ No
- Processing? ..... ☐ Yes ☐ No
- Booking? ..... ☐ Yes ☐ No
- Awaiting pickup by parents or transport to another facility? ..... ☐ Yes ☐ No
- Secure holding? ..... ☐ Yes ☐ No

5. Describe how records are managed for youth held in secure and non secure care? (Please provide a copy of any standard forms used in this process):

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**Contact information for person responsible for reporting to MBCC:**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Do you have written policy and procedure that support your responses to questions #4 and #5? ..... ☐ Yes ☐ No

**If yes**, attach a copy.

7. Have you had circumstances arise in the last year that necessitated the use of your facility for holding youth contrary to standard practice? ..... ☐ Yes ☐ No

**If yes**, describe circumstances for the hold, how many youth were held, how long they were held, where they were held and how sight and sound separation from incarcerated adults was maintained?

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8. If you responded yes to any of the parts of questions #4 or #7 above, use the following table to show the number of offenders held in each type of room by offender type based on the most serious offense (If criminal contempt or probation violation, use the most serious offense from the original case):

Description of Room	Type of Youth Offender							
	Alleged Offender					Adjudicated Offender		
	Non	Status	Delinquent	Pre Trans Hearing Criminal	Post Trans Hearing Criminal	Non	Status	Criminal
Sight and Sound Separate Unlocked non residential								
Sight and Sound Separate Unlocked residential								
Sight and Sound Separate Locked Residential								
Sight and Sound Separate Locked non residential								
Not Sight and Sound Separate Unlocked non residential								
Not Sight and Sound Separate Unlocked residential								
Not Sight and Sound Separate Locked Residential								
Not Sight and Sound Separate Locked non residential								
Total numbers in grayed boxes = total violations								

### III. PROCESS:

1. Briefly describe how youth are processed within your facility:

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2. Do youth ever visit/tour the facility and/or meet with adult offenders as part of a law enforcement or court diversion program?..... ☐ Yes ☐ No

**If yes:**

How many youth toured in the last year? \_\_\_\_\_

Is there policy to support the manner in which these tours/visits are conducted? ..  
 ..... ☐ Yes ☐ No

3. Do adult trustees ever serve meals or perform janitorial functions within the sight or hearing of youth? ..... ☐ Yes ☐ No

**If yes,** how many youth were served in the last year? \_\_\_\_\_

4. Indicate all of the following methods that your facility uses to monitor youth and indicate how frequently (i.e. every 15 minutes) each live inspection is conducted:

**Monitoring Method**

**Frequency of Monitoring**

- ☐ Video.....
- ☐ Electronic sound .....
- ☐ Physical visit by staff.....
- ☐ Other, please explain:

**If video or electronic sound methods above are checked** please complete the following:

- Equipment was demonstrated ..... ☐ Yes ☐ No
- Equipment worked ..... ☐ Yes ☐ No
- Equipment showed dead/blind spots ..... ☐ Yes ☐ No

5. Describe the procedure used for documenting monitoring of the youth:

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10. How are special population needs served? (i.e., suicidal, handicapped, or under the influence of drugs/alcohol, etc.)

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**III. TOUR OF THE FACILITY:**

**Monitor/inspector:** Request facility staff to walk you through the facility using the same procedures they would use if you were: a) an alleged delinquent; b) an alleged youth in need of care; or c) an alleged youth in need of intervention. Make sure any room used in scenario b) or c) are not part of a larger secure area, can be unlocked from the inside and that unlocked rooms don't have residential features or cuffing rails. Test any electronic sound or video monitoring equipment used. On the next page, check each arrangement used for youth based on your tour of the facility **and for each area checked**, indicate if the area was physically sight and sound separate from adult offenders or if time phasing was used:

- ☐ Sally port ..... Sight Separate? ☐ Yes ☐ No ☐ Time Phased  
..... Sound Separate? ☐ Yes ☐ No ☐ Time Phased
- ☐ Breathalyzer equipment location ..... Sight Separate? ☐ Yes ☐ No ☐ Time Phased  
..... Sound Separate? ☐ Yes ☐ No ☐ Time Phased
- ☐ Booking area ..... Sight Separate? ☐ Yes ☐ No ☐ Time Phased  
..... Sound Separate? ☐ Yes ☐ No ☐ Time Phased
- ☐ Locked residential room ..... Sight Separate? ☐ Yes ☐ No ☐ Time Phased  
..... Sound Separate? ☐ Yes ☐ No ☐ Time Phased
- ☐ Unlocked residential room ..... Sight Separate? ☐ Yes ☐ No ☐ Time Phased  
..... Sound Separate? ☐ Yes ☐ No ☐ Time Phased

<input type="checkbox"/> Locked non-residential room.....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Unlocked non-residential room .....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Dining Area .....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Visiting Area .....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Recreational Area .....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Educational Area.....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Shower Area .....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Medical Exam Area .....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
<input type="checkbox"/> Pathways to & from each of the above.....	Sight Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased
.....	Sound Separate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Time Phased

For any of the preceding areas, if no is checked for either the site or sound query and time phasing is unchecked, or other special circumstances explain in detail here:

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## V. RECORDS REVIEW:

**Monitors:** request to review ALL records of youth securely held for the past 12 months for violations of Youth Court Act or JJDP Act and determine if accurate/complete information was reported to MBCC. Prepare a violation report if any youth were held in violation of the JJDP or Youth Court Act.



***Before leaving the site use the following checklist to determine that all required information has been collected:***

- ☐ Collocated Check list completed and attached ..... ☐ Not applicable
- ☐ Copies of all applicable written policies and procedures ..... ☐ Not available
- ☐ Copy of facility log book/records reviewed attached ..... ☐ Not available
- ☐ Copy of facility layout ..... ☐ Not available
- ☐ Copy of facility fire plan ..... ☐ Not available
- ☐ Completed Violation Report ..... ☐ Not applicable
- ☐ Rural Exception Checklist if youth held in excess of 6 hours ..... ☐ Not applicable
- ☐ Obtained required Signatures on Monitoring Report
- ☐ Left copy of completed Monitoring Report and all attachments with facility.

**Inspector**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

*By signing below I indicate that I answered the questions of the above named inspector, gave him a tour of our facility, access to our facility records/log books for the purpose of monitoring compliance with the Montana Youth Court Act and the Federal JJDP Act and received copies of the above documents checked "Attached".*

**Facility Contact**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

# Montana Board of Crime Control

## MONITORING FORM B - JUVENILE DETENTION/CORRECTIONAL FACILITIES

<b>County</b>	<b>Name of Principal Contact</b>	
<b>Name of Facility</b>		
<b>Street Address of Facility</b>		<b>Date</b>
<b>Mailing Address of Facility</b>		<b>Phone No.</b>
<b>City</b>	<b>Zip Code</b>	<b>Date of Previous Inspection:</b>

**I. FACILITY CLASSIFICATION**

☐ Approved Collocated
 ☐ Juvenile Detention
 ☐ Juvenile Correctional
 ☐ Other

If other, please explain:

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Operation/Ownership of Facility: ☐ Private ☐ Public

Metropolitan Statistical Area (MSA) per US Office of Management and Budget: ..... ☐ Yes ☐ No

**II. PRACTICE**

1. Are all areas of this facility within a secure perimeter? ..... ☐ Yes ☐ No
2. Are adults inmates ever held in this facility? ..... ☐ Yes ☐ No
- If yes, is this facility licensed as a collocated facility? ..... ☐ Yes ☐ No
3. Are adult inmates ever used to maintain the grounds or provide services to this facility? ..... ☐ Yes ☐ No
4. Are youth under federal or out-of-state jurisdictions held here? ..... ☐ Yes ☐ No
- If yes:
  - Are youth that exceed the age of 17 kept sight and sound separate from youth under MT jurisdiction? ..... ☐ Yes ☐ No
  - Are youth charged with being illegal aliens held here? ..... ☐ Yes ☐ No
5. Are youth in need of care ever held here? ..... ☐ Yes ☐ No
6. Are youth in need of intervention ever held here? ..... ☐ Yes ☐ No
7. Are youth on a consent adjustment or consent decree ever held here? ..... ☐ Yes ☐ No

### III. REPORTING AND RECORDS REVIEW:

#### Contact information for person responsible for reporting to MBCC:

Name: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ Zip: \_\_\_\_\_

#### Monitor review:

10% of the records for youth **released from** the facility for the past 12 months and traced them to the corresponding MBCC report? ..... ☐ Yes ☐ Not Applicable

**Caution: Basing sample size on the number of beds in the facility will result in an invalid sample size. Also, tracing records from MBCC list to facility files will not detect youth held but not reported to MBCC. Records review must be taken from facilities log or files and traced to MBCC list. Items in sample must be verified to documents on file.**

Brief description of how records were chosen for review:

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### IV. MONITORING CHECKLIST:

- Collocated Checklist completed ..... ☐ Attached ☐ Not applicable
- Copies of all applicable written policies and procedures ..... ☐ Attached ☐ Not available
- Copy of facility records reviewed ..... ☐ Attached
- Copy of facility layout ..... ☐ Attached ☐ Not available
- Copy of facility fire plan ..... ☐ Attached ☐ Not available
- Copy of completed Violation Report..... ☐ Attached ☐ Not applicable
- Copy of Current Facility License ..... ☐ Attached ☐ Not applicable
- ☐ Obtained required Signatures on Monitoring Report
- ☐ Copy of completed Monitoring Report and all attachments provided to facility.

**Inspector**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

*By signing below I indicate that I answered the questions of the above named inspector, gave them a tour of our facility, access to your juvenile detention records/log books for the purpose of monitoring compliance with the Montana Youth Court Act and the Federal JJDP Act, and received copies of the above documents checked "Attached"..*

**Facility Contact**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Montana Board of Crime Control**  
**MONITORING FORM C – JUVENILE HOLDOVER PROGRAMS**

In which jurisdiction is the program located? \_\_\_\_\_

- Street address: \_\_\_\_\_
- Mailing address, if different from above: \_\_\_\_\_
- City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Section I:**

1. If the program is located in:

- a. a police station or other law enforcement facility that is attached to or part of a jail, skip to Section II.
- b. a secure juvenile detention facility, juvenile correctional facility, or approved collocated facility, skip to Section III.
- c. a non-secure/staff secure shelter care facility, skip to Section IV
- d. a non-secure/staff secure youth assessment center, skip to Section V.
- e. any other location, describe and respond to remaining questions in this section:

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2. Does the program facility have *any* physically restraining features (such as locked rooms that cannot be unlocked from the inside or cuffing rails)? ..... ☐ Yes ☐ No

3. Does the program facility provide a minimum of 60 square feet per client? ..... ☐ Yes ☐ No

4. Are there sufficient chairs to allow all clients and staff a place to sit? ..... ☐ Yes ☐ No

5. Do holdover youth have access to a bathroom with a lavatory and shower or bathtub? .....  
..... ☐ Yes ☐ No

6. Is there a suitable sleeping arrangement for every youth client? ..... ☐ Yes ☐ No

☐ Yes, please describe the sleeping area:

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☐ No

7. Does the sleeping area allow for constant visual monitoring by the staff? ..... ☐ Yes ☐ No

8. Does the holdover program have a telephone with access to an outside line? ..... ☐ Yes ☐ No

9. Does the holdover program have a stove/microwave and a refrigerator? ..... ☐ Yes ☐ No

**If no**, is there ready access to 24-hour per day food service? ..... ☐ Yes ☐ No

10. Is a television set available on site? ..... ☐ Yes ☐ No

11. Are books and magazines available to holdover youth?..... ☐ Yes ☐ No
12. Do holdover youth have access to personal hygiene supplies? ..... ☐ Yes ☐ No
13. Are first aid supplies readily available to the staff? ..... ☐ Yes ☐ No
14. Does staff have access to cleaning supplies? ..... ☐ Yes ☐ No
15. Is there immediate access to back-up staff? ..... ☐ Yes ☐ No
16. Is a fire extinguisher readily accessible? ..... ☐ Yes ☐ No
17. Is the facility in compliance with all fire codes?..... ☐ Yes ☐ No
18. Is the facility in compliance with all local building codes? ..... ☐ Yes ☐ No
19. Does the facility meet the specifications of the Americans with Disabilities Act?..... ☐ Yes ☐ No
20. Does the facility have a delayed egress device? ..... ☐ Yes ☐ No  
 If yes, is the delay 30 seconds or less? ..... ☐ Yes ☐ No
21. Have all holdover staff been trained in First Aid and CPR? ..... ☐ Yes ☐ No
22. Are all holdover staff covered by liability insurance that covers medical costs that may be incurred as a direct result of participation in the program? ..... ☐ Yes ☐ No
23. Does the holdover program have a written:
  - Policy limiting stay to 24 hours **including** weekends and holidays? ..... ☐ Yes ☐ No
  - Admissions policy? ..... ☐ No ☐ Yes
  - Admissions form that clearly states the policy? ☐ No ☐ Yes, please include a copy of the admissions form.
  - Assessment/screening instrument? ☐ No ☐ Yes, please provide the names of all assessment/screening instruments used:

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***Please provide a copy of personnel and admission policies.***

## **Section II (attached to or part of an adult jail or lockup)**

1. Is use of the holdover program limited to providing *non-secure* custody of the youth only long enough and for the purposes of identification, processing, release to parent/guardian, or arranging transport to an appropriate juvenile facility? ..... ☐ Yes ☐ No
2. While in the area, is there continuous visual supervision of the youth by a law enforcement officer or facility staff? ☐ No ☐ Yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
3. Is physical sight and sound separation from adult prisoners, including trustees, maintained at all times? ..... ☐ Yes ☐ No

4. Is the holdover program in a *non-secure* room of the facility that is not part of a larger secure area (such as a lobby, office, or multi-purpose room)? ☐ Yes ☐ No, is the youth kept in a secure area only long enough to complete the booking process (photographing and fingerprinting) and under continuous supervision by facility staff? ..... ☐ Yes ☐ No
5. Are there assurances in place to prevent the juvenile from ever being physically secured to a cuffing rail or other stationary object during the period of custody in the facility? ☐ No ☐ Yes, please describe those assurances: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. Is the area designed or intended to be used for residential purposes? ..... ☐ Yes ☐ No

### **Section III (located in a secure juvenile detention facility, juvenile correctional facility, or approved collocated facility)**

1. Are status offenders and non-offenders kept in a non-secure area? ..... ☐ Yes ☐ No
2. Are status offenders and non-offenders kept sight and sound separate from criminal type offenders? ..... ☐ Yes ☐ No

### **Section IV - Program located in a non-secure/staff secure shelter care facility**

Per Montana Code Annotated (MCA) 41-5-342, a youth may be placed in shelter care only if:

- (1) the youth and the youth's family need shelter care to address their problematic situation and it is not possible for the youth to remain at home;
- (2) the youth needs to be protected from physical or emotional harm;
- (3) the youth needs to be deterred or prevented from immediate repetition of troubling behavior;
- (4) shelter care is necessary to assess the youth and the youth's environment;
- (5) shelter care is necessary to provide adequate time for case planning and disposition; or
- (6) shelter care is necessary to intervene in a crisis situation and provide intensive services or attention that might alleviate the problem and reunite the family.

Do youth placed in the program meet these statutory criteria? ..... ☐ Yes ☐ No

### **Section V - Program located in a non-secure/staff secure assessment center**

Per Montana Code Annotated (MCA) 41-5-343, a youth may be placed in a youth assessment center only if:

- (1) the youth meets the requirements for placement in shelter care<sup>7</sup>;
- (2) the youth has not committed an act that would be a felony offense if committed by an adult;
- (3) the youth needs an alternative, staff-secured site for evaluation and assessment of the youth's need for services;
- (4) the youth needs to be held accountable for the youth's actions with structured programming; and

<sup>7</sup> Shelter care requirements are set forth in Section IV of this document.

- (5) the youth meets qualifications as outlined by the placement guidelines that are determined by the department and coordinated with the guidelines used by the youth placement committees.

Do youth placed in the program meet these statutory criteria? ..... ☐ Yes ☐ No

Your signature below indicates that the responses on this form are true of your program and you received a copy of this monitoring form.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Program Administrator

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Compliance Monitor

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## Montana Board of Crime Control

### MONITORING FORM D - COLLOCATED FACILITY CHECKLIST

*Use this checklist for verification of compliance of each facility (1) approved by the State after publication of the 12/10/96 regulation, or (2) that the State elects to conform to the 12/10/96 regulation.*

STATE: Montana

NAME, PHYSICAL AND MAILING ADDRESS OF FACILITY:

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Section 31.303(e)(3) of OJJDP Formula Grants Regulation (28 CFR 31) establishes criteria that must be met in order for a State to approve and OJJDP to verify whether a separate juvenile detention or correctional facility exists within the same building or on the same grounds as an adult jailor lockup. Each State must at a minimum maintain the following information for each colocated facility in order for OJJDP to verify the State's approval of a colocated facility as a separate juvenile detention or correctional center.

**A. INITIAL FACILITY REVIEW 31.303(e)(3)(ii)**

Did the State Agency conduct an on-site review to determine compliance with the four criteria of the colocated facility regulation? ..... ☐ Yes ☐ No

Or, for facilities in the planning or construction phase...

Did the State Agency review the full construction and operations plans? ..... ☐ Yes ☐ No

Date of State determination \_\_\_\_\_

**B. COLLOCATED DEFINITION 31.303(e)(3)(i)(A)**

Are the two facilities located in the same building? ..... ☐ Yes ☐ No

or

Are they part of a related complex of buildings located on the same grounds?..... ☐ Yes ☐ No

Describe what physical features the two buildings share or what services two programs share in common.

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**C. COLLOCATED CRITERIA – 31.303(e)(3)(i)(C)**

**1. Separation between Juveniles and Adults – 31.303(e)(3)(i)(C)(I)**

Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Total separation must be achieved in residential areas, e.g. sleeping and bathroom, through architectural design such that no contact is possible. In program areas, e.g., educational, vocational, and recreational, separation must be achieved either through architectural design or through time-phased use of areas as directed by written policies and procedures.

- a. A legible floor plan for the proposed facility is provided? ..... ☐ Yes ☐ No
- b. All relevant areas of the physical plant are clearly labeled? ..... ☐ Yes ☐ No
- c. The floor plan, as well as other documents (list below) clearly indicates total spatial separation in the residential areas (e.g., sleeping, bathrooms, lavatories) of the respective facilities? ..... ☐ Yes ☐ No
- d. The floor plan or policies and procedures clearly indicate either total spatial separation or time-phased use of the following areas:

	<u>Time- Phased</u>	<u>Spatial</u>
Entrance	_____	_____
Intake/Processing	_____	_____
Dining	_____	_____
Indoor Recreation	_____	_____
Outdoor Recreation	_____	_____
Education	_____	_____
Counseling	_____	_____
Medical	_____	_____
Religious Services	_____	_____
Visitation	_____	_____
Other programs (list below)	_____	_____

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- e. Supporting documentation clearly describes resident movements, both scheduled and emergency? ..... Yes ☐ No

(Note: Separation requirements may be suspended in emergencies.)

- f. List supporting documentation:

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**2. Separate Programming – 31.303(e)(J)(i)(C)(2)**

Total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities.

- a. The facility has provided a complete, narrative description of all programs that will be available for juveniles, and where the programs will be conducted? ..... ☐ Yes ☐ No
- b. Juvenile and adult residents do not share any program activities, including but not limited to those cited in the standard above? ..... ☐ Yes ☐ No
- c. There is an independent and comprehensive operational plan for the juvenile detention center, which provides for a full range of separate program services? ..... ☐ Yes ☐ No

**3. Separate Staff – 31.303(e)(J)(i)(C)(3)**

Separate juvenile and adult staff, including management, security, staff, and direct care staff such as recreation, education, and counseling. Specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both.

- a. The juvenile facility's organizational chart, and/or other documentation, clearly indicates a permanent, full time manager or superintendent for the juvenile facility (this manager or superintendent may report to the sheriff or jail administrator)? ..... ☐ Yes ☐ No
- b. The juvenile facility's organizational chart, and/or other documentation, clearly indicates that the juvenile facility's line staff (as cited in the standard above) are permanently assigned to the juvenile facility, viz., juvenile and adult facility staffs are not rotated between the facilities based on occupancy in either facility? ..... ☐ Yes ☐ No
- c. The juvenile facility's organizational chart, and/or other documentation, clearly indicates that staff from the adult jail will not serve as relief workers for the juvenile facility on their regularly scheduled work-days in the jail, viz., staff from the adult jail may only work in the juvenile facility in emergency, life-threatening situations, or as private citizens employed by the juvenile detention center? ..... ☐ Yes ☐ No
- d. The juvenile facility's policies, organizational chart, and/or other documentation clearly indicates that adult residents (trustees) will never be permitted to supervise or provide direct services for juvenile residents, e.g., serving meals, dispensing reading materials, etc.? ..... ☐ Yes ☐ No

**4. Licensing – 31.303(e)(3)(i)(C)(4)**

Montana has established State standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and is licensed as appropriate.

- a. Juvenile detention centers must comply with established State standards in order to operate? Must be licensed to operate? ..... ☐ Yes ☐ No
- b. If the answer is "yes," States' approval clearly indicates that it is contingent upon the juvenile facility being found in compliance with the State standards, and (if applicable) being licensed by the State to operate as a juvenile detention center? ..... ☐ Yes ☐ No
- c. Compliance with standards already documented? ..... ☐ Yes ☐ No
- d. Licensing already documented? ..... ☐ Yes ☐ No

D. **ANNUAL ON-SITE REVIEW – 31.303(e)(3)(iv)**

The Department of Corrections or its designee (contractor, sub-grantee) annually reviewed the collocated facility on-site and determined the facility to be in compliance with the four criteria.

List date of initial DOC on-site review: \_\_\_\_\_

List dates of each subsequent DOC annual on-site review:

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E. **SUMMARY OF MBCC FINDINGS:**

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\_\_\_\_\_  
MBCC Compliance Monitor Signature

\_\_\_\_\_  
Date

## Montana Board of Crime Control

### MONITORING FORM E - MT RURAL EXCEPTION CHECKLIST

*(Times have been modified to meet the more restrictive time requirements of the MT Youth Court Act)*

To claim use of the rural exception to the 6 hour secure hold limit of the Jail Removal Core Requirement of the JJDP Act, the following conditions must be present:

#### Category I - Rural Facility Exception:

1. Is the Geographic area having jurisdiction over the juvenile outside a metropolitan statistical area as defined by the U. S. Office of Budget and Management? ..... ☐ Yes ☐ No
2. Has a determination been made that there is no existing acceptable alternative placement for the juvenile pursuant to criteria developed by MBCC and approved by OJJDP? ..... ☐ Yes ☐ No
3. Has the facility been certified by MBCC to provide sight and sound separation of juveniles from adult inmates? ..... ☐ Yes ☐ No
4. Does the facility have documentation that these conditions have been met and received prior approval from MBCC? ..... ☐ Yes ☐ No

#### Category II - Rural Incident Exception:

1. Was the juvenile an accused criminal-type offender awaiting a probable cause hearing? ..... ☐ Yes ☐ No
2. Was the accused juvenile criminal-type offender held more than 24 hours excluding Saturdays, Sundays and legal holidays? ..... ☐ Yes ☐ No
3. Was the accused juvenile criminal-type offender held more than 24 hours, but not more than an additional 24 hours, because of conditions of distance to be traveled or lack of roads or ground transportation or because of adverse weather conditions, but not more than an additional 24 hours after the time such conditions allowed for reasonable safe travel? ..... ☐ Yes ☐ No
4. If claiming #3, is documentation available? ..... ☐ Yes ☐ No

***A "No" response to any question within a category excludes use of the Rural Exception for that category.***

**Montana Board of Crime Control**  
**MONITORING FORM F - COMPLIANCE VIOLATION FORM**

Date of Violation: \_\_\_\_/\_\_\_\_/\_\_\_\_

Name of Facility in Violation: \_\_\_\_\_

Administrator Name \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Violation(s) Narrative:

Investigation Date: \_\_\_\_\_

Investigated by:

Name of Investigator \_\_\_\_\_

Suggested Follow-up Action:

Date Follow-up Letter Sent: \_\_\_\_\_ Copy Attached: \_\_\_\_\_

Montana Board of Crime Control

Monitoring Report Form G - Law Enforcement Departments Report of Youth in Secure Custody

Facility Name: \_\_\_\_\_ County: \_\_\_\_\_  
Reporting Period: \_\_\_\_\_

<u>ASSESSMENT.COM</u>			<u>RACE/</u>			<u>SECONDARY</u>	<u>CUSTODY</u>	<u>RELEASE</u>	<u>PROBABLE</u>
<u>NUMBER</u>	<u>DOB</u>	<u>GENDER</u>	<u>ETHNICITY</u>	<u>JURISDICTION</u>	<u>MCA</u>	<u>MCA</u>	<u>DATE/TIME</u>	<u>DATE/TIME</u>	<u>CAUSE</u>
									<u>HEARING</u>
									<u>DATE/TIME</u>

**Montana Board of Crime Control**

**MONITORING FORM H - OJJDP COMPLIANCE REPORT TEMPLATE**

[http://www.ojjdp.ncjrs.org/compliance/compliance\\_monitoring\\_report.xls](http://www.ojjdp.ncjrs.org/compliance/compliance_monitoring_report.xls)

**Appendices:**



## **APPENDIX I - GOVERNOR'S EXECUTIVE ORDER**

## **APPENDIX II - LOGIC MODEL OF STATE OF MT COMPLIANCE MONITORING PLAN**

<p align="center"><b>State of Montana</b>  <b>Plan for Monitoring Compliance</b>  <b>with the MT Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</b></p>				
<b>GOAL:</b> To maintain substantial compliance with the Youth Court and the JJDP Acts.				
<b>Objective 1:</b> To ensure that barriers to maintaining compliance with the core requirements of the JJDP Act are identified and state and local strategies developed to overcome them.				
How	By Whom	When	Process Measures	Outcome Measures
1. Introduction of bills will be monitored during regular and special legislative sessions. Bills that could have impact on state compliance with the core requirements of the JJDP Act will be reported to the Youth Justice Advisory Council (YJAC) with recommended strategies to address the problems.	MBCC Executive Director, JJ Specialist, JJ Planner	Legislature convenes	Correspondence or phone log on file in MBCC will reflect action taken to inform chairman of YJAC.  Issue will be on the YJAC Agenda  Approved strategy will be reflected in the YJAC minutes, and if needed, the 3-Year Plan, its update and the Monitoring Work Plan.	Barriers will be identified and state and local strategies developed to overcome them.
2. If any facility has more than a few unavoidable violations, and the matter is not resolved by the provision of training and technical assistance, the matter will be brought before the YJAC with recommended strategies to address the problem.	MBCC JJ Planner, Executive Director, JJ Specialist	As needed	Correspondence or phone log on file in MBCC will reflect action taken to inform chairman of YJAC.  Issue will be on the YJAC Agenda  Approved strategy will be reflected in the YJAC minutes, and if needed, the 3-Year Plan, its update and the Monitoring Work Plan.	
3. The YJAC will be provided with a copy of the Compliance letter received from OJJDP to review and develop strategies as needed.	MBCC Executive Director, JJ Specialist	1 <sup>st</sup> Scheduled YJAC Meeting after rec'd. date stamped on Compliance Letter from OJJDP	Letter will be in the YJAC Packet.  Any action the YJAC deems necessary to respond to the report will be reflected in the minutes..	
4. Allegations of non-compliance will be investigated and the results documented.	MBCC JJ Planner, Compliance Monitors	Upon allegation	Violation Report and results of the investigation will be in the appropriate facility file in the JJ Planner's Office	

<p align="center"><b>State of Montana</b>  <b>Plan for Monitoring Compliance</b>  <b>with the MT Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</b></p>				
<b>GOAL: To maintain substantial compliance with the Youth Court and the JJDP Acts.</b>				
<p>5. Changes/reductions in resources that impact monitoring, data collection and/or reporting of compliance with the JJDP Act will be brought before the YJAC along with recommended strategies for appropriate action.</p>	<p>MBCC Executive Director, JJ Specialist</p>	<p>Upon possibility of change/reduction</p>	<p>Correspondence or phone log on file in MBCC will reflect action taken to inform chairman of YJAC.</p> <p>Issue will be on the YJAC Agenda</p> <p>Approved strategy will be reflected in the YJAC minutes, and if needed, the 3-Year Plan, its update and the Monitoring Work Plan..</p>	

<p align="center"><b>State of Montana</b>  <b>Plan for Monitoring Compliance</b>  <b>with the MT Youth Court and Federal Juvenile Justice and Delinquency Prevention Acts</b></p>				
<b>GOAL:</b> To maintain substantial compliance with the Youth Court and the JJDP Acts.				
<b>Objective 2:.</b> To ensure that the authority, legislative and administrative procedures established for the state to receive, investigate, and respond to reports of compliance violations are current and effective.				
How	By Whom	When	Process Measures	Outcome Measures
1. A current Executive Order issued and signed by the Governor that continues the Youth Justice Advisory Council's oversight authority for the next two years in complying with the JJDP Act of 2002 as Reauthorized will be obtained.	MBCC JJ Planner, Executive Director,	June of each odd numbered year	A copy of the current and effective Executive Order will be maintained in the Compliance Monitoring Manual in the Office of the Juvenile Justice Planner.	YJAC will have oversight authority for the JJDP Act.
2. A current copy of Title 41, Chapter 5 of the Montana Code Annotated (MCA), known as the Youth Court Act, establishing MBCC's authority to establish rules and regulations and monitor compliance with the JJDP Act and Youth Court Act will be obtained.	JJ Planner	As soon as updated Act is available from the Legislative Counsel Bureau after each regular and special session of the legislature has adjourned.	A copy of the current and effective Youth Court Act will be maintained in the Compliance Monitoring Manual in the Office of the Juvenile Justice Planner.	MBCC will have the authority to establish rules, regulations and monitor compliance with the Youth Court and JJDP Acts.
<b>Objective 3:.</b> To ensure that the detailed description of monitoring tasks which includes the identification of the agency responsible for each task are current and effective.				
How	By Whom	When	Process Measures	Outcome Measures
1. The Compliance Monitoring Manual that describes in detail the monitoring tasks, including identification of agents responsible for each task will reflect current monitoring practices.	MBCC JJ Planner, Compliance Monitors, Executive Director, JJ Specialist	After each Regular or Special Legislative Session, at least biennially.	Correspondence will show that the YJAC received a draft revision of the Compliance Monitoring Manual.  YJAC Minutes will reflect that updated Compliance Monitoring Manual was approved	A current and effective copy of the Compliance Monitoring Manual will be available on the MBCC Juvenile Web Site.
2. YJAC will reserve a reasonable dollar amount to support contracted on-site monitoring of secure facilities in accordance with the procedures set forth in the Compliance Monitoring Manual..	JJ Planner, MBCC Executive Director	Annually at Spring meeting of YJAC	Approval of funding will be reflected in the minutes of the spring Application Review and YJAC meetings.  Current and enforceable contracts with compliance monitors will be on file in the Compliance Monitoring Manual in the Juvenile Justice Planner's Office..	All facilities in the monitoring universe will have Monitoring Reports on file that meet the minimum on-site visit requirements set forth by facility type in the Compliance Monitoring Manual

## **APPENDIX III - MBCC INTRODUCTORY LETTER OF MONITORING AUTHORITY**

## **APPENDIX IV - MBCC ORGANIZATIONAL CHART**

## **APPENDIX V - MBCC CURRENT CONTRACT WITH DESIGNATED MONITOR OF UNLICENSED FACILITIES**



## **APPENDIX VI - CURRENT MONITORING WORK PLAN**